

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Andrew Marshall McElrath

Plaintiff,

vs.

Warden Stevenson; Warden Bush; Major
Washington; Lt. Rezendes; Sgt.
Davenport, and CO Gerity,

Defendants.

Civil Action No.: 5:14-cv-00743-BHH

Opinion and Order

This matter is before the Court upon the motion of the plaintiff, Andrew Marshall McElrath, for reconsideration of the order (ECF No. 32) that this Court issued adopting the Magistrate Judge's Report and Recommendation ("Report") (ECF No. 12). For the reasons set forth herein, the motion to reconsider is granted.

The Magistrate Judge issued the Report in this case on April 4, 2014 recommending that the plaintiff's complaint be summarily dismissed without prejudice. On March 18, 2015, this Court issued a brief order adopting the Report. On March 27, 2015, the plaintiff filed a motion to reconsider pointing out that the facts discussed in the Court's order do not correspond to his case. Having reviewed the order and the plaintiff's case, the Court concludes that the plaintiff is correct and that order at issue was entered as a result of a clerical error. The Court apologizes to the plaintiff for the confusion, will grant the motion to reconsider, and will conduct a *de novo* review of the plaintiff's case and issue an appropriate order.

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

June 29, 2015
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.